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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,850	05/03/2002	Hendricus Antonius Hoogland	294-117 PCT/US	8420

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EXAMINER

CRAWFORD, GENE O

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,850

Applicant(s)

HENDRICUS, HOOLAND

Examiner

Gene O. Crawford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "detection system for detecting a unique code... placed on the holder" in claim 12 and "the further conveyor which moves along each supply and removal point of a conveyance circuit, and over which lifting means for conveying holders are disposed in a movable manner" in claim 14 must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The detection system for detecting unique codes present on the holders is not

described in the specification. Hence the claim has not been examined with regard to the prior art.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites "while two adjacent longitudinal paths of a conveyance circuit slope from the same end in opposite directions" in line 8-10. However, it is unclear from the claim language whether these are the previously cited longitudinal paths and conveyance circuit or additional longitudinal paths and an additional conveyance circuit.

7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

8. Claim 6 recites the limitation "the rows of wheels" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 4 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Windau.

The device for storage and conveyance of articles includes all the claimed features and in particular includes: **(claim 1)** at least one tier 30, comprising at least one conveyance circuit for holders 230 (column 1, lines 50-54), at least two longitudinal paths 40, 41 that slope (figures 1, 4), transverse tracks 154, 155 movable in the vertical direction at opposite ends of the longitudinal paths, lifting means 180, 181 provided for moving the transverse tracks 154, 155 in the vertical direction; **(claim 4)** the transverse tracks 154, 155 being formed by rotatable discs 86 disposed one after the other in the longitudinal direction of a transverse track; **(claim 8)** blocking means 126 for retaining a carrier; and **(claims 9-11)** a supply point and removal point situated at the same end of the longitudinal paths where the height difference is minimal as broadly claimed.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windau in view of Mizuno et al.

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With regard to claim 2 and 7, Windau includes all the claimed features but does not disclose the broad teaching of providing rows of spaced apart wheels and spacers on the bottom of the carriers. However, Mizuno et al. discloses a conveyance circuit having two longitudinal paths with transverse section at the ends of the paths having carriers that include rows of spaced apart wheels 14 and spacers 34, 35. It would have been obvious to one of ordinary skill in the art to provide the carriers of Windau include spaced apart wheels and spacers for facilitating transfer of the carriers along the paths and for eliminating bumping action of the carriers as they are transferred along the conveyance circuit as taught by Mizuno et al.

With regard to claim 13, Windau includes all the claimed features but does not disclose the broad teaching of providing multiple tiers with several conveyance circuits disposed next to each other. However, Mizuno et al. discloses a conveyance system having multiple tiers with several conveyance circuits disposed next to each other (figure 19). It would have been obvious to one of ordinary skill in the art to provide the system of Windau include multiple tiers with several conveyance circuits disposed next to each other to facilitate a system with high handling capacity as taught by Mizuno et al.

With regard to claim 15, Windau includes all the claimed features but does not disclose the number of carriers transferred in the traverse section is less than the number moved along the longitudinal section. However, Mizuno et al. discloses a conveyance circuit having two longitudinal paths with transverse section at the ends of the paths having carriers 1 where the number of carriers in the transverse path (i.e.

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longitudinal car transfer) is less than the number in the two longitudinal paths (i.e. lateral side car transfer) (figure 2). It would have been obvious to one of ordinary skill in the art to provide the conveyance system include the number of carriers in the transverse path is less than the number in the two longitudinal paths such requiring the mere choice of an art recognized configuration for transferring carriers as taught by Mizuno et al.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Windau in view of Neukam.

With regard to claim 5, Windau discloses the use of an air bag to lift the transverse sections having rotatable disc 86 and not a piston cylinder. However, Neukam discloses the broad teaching of providing a transfer device having rotatable disc that has a piston cylinder 9 for providing vertical movement to the transfer device. It would have been obvious to one of ordinary skill in the art to provide the transverse sections with a piston cylinder to facilitate vertical movement of the transverse sections as taught by Neukam.

Allowable Subject Matter

14. Claims 3 and 6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: a device for storage and conveyance of holders having two longitudinal paths and transverse transfer sections at the ends of the paths including the unique features of 'the longitudinal paths having guides with open spaces present between the guides

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for accommodating the presence the transverse tracks' and 'the underside of the carrier having guides for accommodating and guiding the rotatable discs disposed on the transverse tracks' both in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

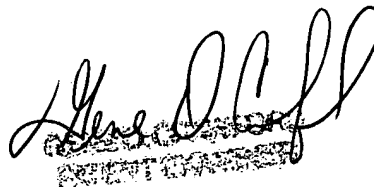
Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to conveyance circuits having transverse tracks movable in the vertical direction: Welder, Shields and Luria.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are 703/305-3597 for regular communications and 703/305-3597 for After Final communications.

gc
June 30, 2003

A handwritten signature in black ink, appearing to read "Gene O. Crawford", is written over a rectangular stamp. The signature is fluid and cursive. The stamp is mostly illegible but appears to contain the name "Gene O. Crawford" and some other text.